

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PHILIP CAFFREY and MAUREEN CAFFREY,

Plaintiffs,

-against-

FITZPATRICK GRAND CENTRAL HOTEL
DEVELOPMENT, L.L.C., FITZPATRICK GRAND
CENTRAL HOTEL, L.L.C. and FITZPATRICK
HOTEL CORP.,

Defendants.
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Index No.: 07 CV 3068

Judge Stanton

**SCHEDULING ORDER
FOR CONFERENCE
PURSUANT TO RULE 16(b)**

1. A conference having been conducted on Friday, July 20, 2007 at 11:30 am in Room 21C and the parties having appeared by their attorneys: Mauro & Guzzardo, LLP, 131 Jericho Turnpike, Suite 302, Jericho, New York 11753, phone number (516) 333-2015, fax number (516) 333-2018 for the plaintiffs by Eden Fitzgibbons Mauro, Esq. and the defendant Fitzpatrick Grand Central Hotel, LLC having appeared by its attorneys Ahmuty, Demers & McManus, 123 William Street, New York, New York 10038, phone number (212) 513-7788 and fax number (212) 513-7843 by Michael J. Rabus, Esq. it is ORDERED further;

2. The parties have conferred prior to today's conference and set forth the statement of issues as follows: The plaintiff, Philip Caffrey alleges to have been injured on February 7, 2006 while working at the Fitzpatrick Grand Central Hotel as an elevator repairman and he alleges that the defendants violated New York State Labor Law §200, §241(6) and §240 suffering a left shoulder tear which has required surgery and will require further surgery in the near future. The defendant Fitzpatrick Grand Central Hotel, LLC denies responsibility for the happening of this accident.

3. A proposed discovery schedule is as follows:

- a. The plaintiffs Philip and Maureen Caffrey and a representative of Fitzpatrick Grand Central Hotel, LLC will be deposed no later than September 20, 2007.
- b. The plaintiff will provide the defendants with their automatic discovery within the next twenty (20) days along with responses to the disclosure requests made by Fitzpatrick Grand Central Hotel, LLC which accompanied its answer; the plaintiff will propound disclosure requests twenty (20) days thereafter and the defendant will respond to said demands within thirty (30) days.
- c. Expert Disclosure in the form of supplying expert reports will take place by January 2, 2008 and if necessary the expert depositions will be completed no later than January 31, 2008.
- d. All discovery will be completed by May 1, 2008.

Conference Friday May 16, 2008 at 11:30 A.M. re when to file
e. ~~By July 1, 2008 the parties will submit a pre-trial order in a form~~
conforming with the Court's instructions together with trial briefs and
proposed voir dire questions and proposed jury instructions as plaintiff
has requested a jury trial. *pretrial order*
f. A final pre-trial conference pursuant to Federal Rules of Civil Procedure
~~16(d) shall take place on _____~~ *LLS*

4. The parties are not aware of any limitations to be placed on discovery at present.

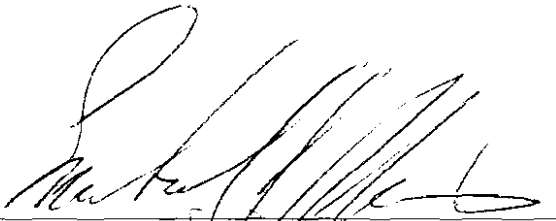
5. At present there are no discovery issues which counsel have been unable to reach an agreement on.

6. An orthopedic surgeon and an economic expert are the expert testimonies contemplated by the parties at the present time.

7. The parties anticipate that the trial of this matter will take five (5) days.

8. This scheduling order may be altered or amended only on a showing of good cause not foreseeable at the time of this conference or when justice so requires.

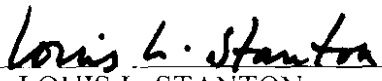
Dated: Albertson, New York
July 18, 2007



MICHAEL J. RABUS, ESQ.
AHMUTY, DEMERS & McMANUS, ESQS.
Attorneys for Defendant
**FITZPATRICK GRAND CENTRAL
HOTEL, L.L.C.**
200 I. U. Willets Road
Albertson, New York 11507
(212) 513-7788
Our File No.: ZUS0522N7MJR



EDEN FITZGIBBONS MAURO, ESQ.
MAURO & GUZZARDO, LLP (EE-5296)
Attorneys for Plaintiff
131 Jericho Turnpike, Suite 302
Jericho, New York 11753



LOUIS L. STANTON

U. S. D. J.

7/20/07